

7 FAM 1830 AVIATION AND OTHER TRANSPORTATION DISASTERS

*(CT:CON-144; 09-13-2006)
(Office of Origin CA/OCS/PRI)*

7 FAM 1831 INTRODUCTION

(CT:CON-144; 09-13-2006)

- a. The U.S. Department of State is responsible for coordinating and managing the federal response to aviation disasters involving U.S. citizens abroad. In recent years the Department has made significant changes to the way that it handles aviation disasters that involve U.S. citizens outside the United States. These changes are highlighted in this subchapter and include:
 - (1) **Closer Coordination by CA with Air Carriers:** The CA Memorandum of Understanding (MOU) with Domestic Air Carriers (see 7 FAM Exhibit 1830 C) is the foundation for closer coordination. Now CA/OCS;
 - (a) Participates in U.S. air carrier disaster exercise training;
 - (b) Can exchange personnel during actual disasters so there is an airline representative working with us in the Operations Center's Consular Task Force room (CA/OCS Crisis Management coordinates with Diplomatic Security (DS) in obtaining security clearances and Department badges for designated airline personnel); and
 - (c) CA representative may serve as liaison at the Airlines crisis operation center.
 - (2) **Family Assistance by Air Carriers:** Most U.S. air carriers and their foreign code shares have retained private companies to provide assistance to families of victims of aviation disasters. The private companies implement airline family assistance plans mandated by U.S. law for carriers landing or taking off in the United States. (See 7 FAM 1832 b).
 - (3) **Consular Role in Aviation Disasters Abroad:** CA/OCS and posts abroad play a vital role in assistance to families of victims of aviation disasters. This is particularly true when the crash involves

a foreign local carrier, which would not be bound by the requirements of the Foreign Air Carrier Family Assistance Act explained below.

- (4) **Consular Role in Domestic Aviation Disasters:** The State Department memorandum of understanding (MOU) with the National Transportation Safety Board (NTSB) on domestic aviation disasters requires specific assistance when an aviation disaster occurs in the United States involving foreign nationals. (See 7 FAM Exhibit 1830B). Our posts abroad also are involved, issuing visas to family members of victims and notifying U.S. citizens abroad with family members on the domestic flight. (See 7 FAM 1839).
- (5) **Passenger Manifests:** On February 18, 1998, the FAA published a Final Rule Requiring Enhanced Passenger Manifests (14 CFR 243). This applies to any aviation disaster involving an airline (U.S. or foreign) that operates to, from or within the United States. Under this rule:

In the event of a disaster outside the United States, the airline must provide a passenger manifest to "appropriate representatives of the United States Department of State" (DOS Operations Center) **"Not later than one hour after any such carrier is notified of an aviation disaster, or" "If it is not technologically feasible or reasonable to fulfill the requirement within 1 hour, then as expeditiously as possible, but not later than 3 hours after such notification."**

- b. **Notify and Coordinate Through the Operations Center:** In the event of an aviation or other transportation disaster in the consular district, post(s) should coordinate through the Department of State Operations Center (202-647-1512). **Posts should also advise the Operations Center and CA/OCS when there is confirmation that there were no U.S. citizens (passengers or crew) involved in the disaster.**
 - (1) The Operations Center will alert the CA/OCS Duty Officer and CA/OCS Duty Director as appropriate as well as other Department stakeholders.
 - (2) The Operations Center will alert other appropriate U.S. federal agencies, including, but not limited to the National Transportation Safety Board (NTSB).
 - (3) The OCS Duty Director will coordinate with the OCS Crisis Team on call, the OCS Call Center, the Passport Services Duty Officer and the Visa Office Duty Officer as needed.
 - (4) An incident requiring the sustained, close attention of the Department may require the formation of a task force or monitoring group. (See 12 FAH-1 H-033.1-3).

- (5) **Consular Aviation Disaster Checklist:** A checklist on consular responsibilities in an aviation disaster is provided at 7 FAM Exhibit 1830 A.
- c. **Inter-Agency Liaison with Government and Private Sector:** Coordination is a key aspect of the Department's response to aviation and other transportation disasters. (See 12 FAH-1 H-020 U.S. Government Organization for Crisis Management, and 7 FAM Exhibit 1830 G).
- d. **Criminal Investigation:** The cause of the disaster may not be immediately clear. Until determined otherwise, the scene of the disaster may be treated as a crime scene and, thus the subject of a criminal investigation (for example, relating to possible terrorism, sabotage, or suicide). Accordingly, evidentiary considerations would apply and the Department would coordinate closely with U.S. and foreign law enforcement.
- e. **Responsibilities of Department of State in an Aviation Disaster:** When a large-scale aviation disaster occurs, several Department of State bureaus and offices play significant roles in responding to the crisis.
- (1) **CA:** The Bureau of Consular Affairs (CA) is responsible for providing assistance and services to U.S. citizen victims and their families. It also coordinates provision of family assistance with the airlines, National Transportation Safety Board (NTSB), the FBI, the Department of Justice Office for Victims of Crime, and foreign governments as appropriate. 1 FAM 251; The Deputy Assistant Secretary for Overseas Citizens Services (CA/OCS) formulates policy and directs, coordinates, monitors, and provides emergency and services to U.S. citizens residing or traveling abroad, and coordinates the return and identification of remains of U.S. citizen disaster victims. (See 1 FAM 255).
- (2) **EB/TRA:** The Bureau of Economic and Business Affairs, Office of Transportation Affairs provides the fullest possible support to the U.S. global transportation industry, vital to the prosperity and security of Americans and citizens of every nation around the world. In the event of an aviation disaster, EB/TRA plays a significant role in coordination with the Department of Transportation, National Transportation Safety Board (NTSB), FAA (Federal Aviation Administration), the International Civil Aviation Organization (ICAO), the Airline Pilots Association (ALPA) and the airline industry. (See 1 FAM 426).
- (3) **L/CA:** Provides general legal advice on the performance of consular functions by foreign consular officers in the United States and on U.S. obligations relating to the performance of such functions

- (4) **L/EB:** The Office of the Legal Adviser for Economic and Business Affairs provides legal advice on civil aviation. (See 1 FAM 246.5).
- (5) **DS:** The Bureau of Diplomatic Security provides coordination with U.S. and foreign law enforcement authorities.
- (6) **S/ES-O/CMS:** Crisis Management Support (CMS) in the Executive Secretariat is the crisis advisor for the Executive Secretariat of the Department of State. In fulfilling that role, CMS gathers, assesses and disseminates information to Department principals about events that threaten the security of U.S. missions, their personnel and U.S. citizens overseas. It also directly supports any task force or working group convened by the Executive Secretary in the wake of a disaster.
- (7) **S/CT:** If the cause of the disaster is suspected or determined to be related to terrorism, the Office of the Coordinator for Counter Terrorism would also play an important role.

See:

- 12 FAH-1 Annex H – Hijacking
- 12 FAH-1 Annex I – Assistance to U.S. Citizens in a Major Accident or Disaster
- 12 FAH-1 Annex J – Assistance to the Host Country in a Major Accident or Disaster

f. **Responsibilities of Other U.S. Government Agencies.** NTSB – National Transportation Safety Board is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation -- railroad, highway, marine and pipeline -- and issuing safety recommendations aimed at preventing future accidents. 49 U.S.C. 1136 addresses the role of the NTSB in providing assistance to families of passengers involved in aircraft accidents.

- (1) **Twelve Mile Limit:** On December 27, 1988, President Reagan by proclamation extended the territorial seas of the United States to 12 miles from the coast. Jurisdiction to the 12 mile limit is consistent with the limit exercised by many nations and is based on international law. National Transportation Safety Board marine jurisdiction is expressed as jurisdiction over accidents on the navigable waters or territorial seas of the United States. NTSB jurisdiction to 12 miles would, therefore, appear to have been established by the 1988 proclamation.

Note: In actual practice, it would be extremely difficult for the NTSB not to be involved in any crash involving a U.S. carrier or any plane crashing on its

way to or from the United States.

- (2) The NTSB also participates in the investigation of aviation accidents and serious incidents outside the United States in accordance with the Chicago Convention of the International Civil Aviation Organization (ICAO) and the Standards and Recommended Practices (SARPS) provided in Annex 13 to the Convention.
- (3) **Aviation Disaster in a Foreign State:** When an accident or serious incident occurs in a foreign state involving a civil aircraft of U.S. Registry, a U.S. operator, or an aircraft of U.S. design or U.S. manufacture, where the foreign state is a signatory to the ICAO Convention, that state is responsible for the investigation. In accord with the ICAO Annex 13 SARPS, upon receipt of ICAO Notification of the accident or serious incident, the NTSB designates a U.S. Accredited Representative and appoints advisors to carry out the obligations, receive the entitlements, provide consultation, and receive safety recommendations from the investigating state. Should an accident or serious incident occur in a foreign state not bound by the provisions of Annex 13 to the ICAO Convention, or if a foreign state delegates all or part of an investigation by mutual consent to the NTSB, or if the accident or serious incident involves a public aircraft, the conduct of the investigation shall be in consonance with any agreement entered into between and the United States and the foreign state.
- (4) **International Waters:** The provisions of Annex 13 to the Convention on International Civil Aviation, the investigation of an airplane crash occurring in international waters falls under the jurisdiction of the airplane's country of registry. That country may request NTSB assistance with the investigation.

See:

- NTSB Transportation Disaster Assistance
- NTSB foreign investigations

7 FAM 1832 AUTHORITIES

(CT:CON-144; 09-13-2006)

- a. **The Aviation Security Act of 1990**, Public Law 101-604. Section 321(f) of the Aviation Security Improvement Act of 1990, Public Law 101-604 (49 U.S.C. 44905), prohibits the notification of a civil aviation threat to "only selective potential travelers unless such threat applies only to them." This is the basis for the "no double standard" policy (7 FAM 052). This statute also mandates a series of responsibilities pertaining to the

treatment of victims and their families following an aviation disaster abroad. In addition to linking to the statute, this section provides a summary of the responsibilities for the sake of clarify and to offer an historical perspective.

- (1) 22 U.S.C. 5501(b)(C) **International Negotiations Concerning Aviation Security (Passenger Manifests)** provides that the Departments of State and Transportation will negotiate agreements to achieve improved availability of passenger manifest information;
- (2) 22 U.S.C. 5503 **Department of State Notification of Families of Victims (of Aviation Disasters)** provides that “it is the policy of the Department of State, pursuant to section 2715 of this title (22 U.S.C. 2715), to directly and promptly notify the families of victims of aviation disasters abroad concerning citizens of the United States directly affected by such a disaster, including timely written notice. The Secretary of State shall ensure that such notification by the Department of State is carried out notwithstanding notification by any other person.”
- (3) 22 U.S.C. 5504 Designation of State Department Family Liaison and Toll-Free Family Communications System provides that;
 - (a) In the event of an aviation disaster directly involving United States citizens abroad, if possible, the Department of State will assign a specific individual, and an alternate, as the Department of State liaison for the family of each such citizen; and
 - (b) In the establishment of the Department of State toll-free communications system to facilitate inquiries concerning the affect of any disaster abroad on United States citizens residing or traveling abroad, the Secretary of State shall ensure that **a toll-free telephone number is reserved for the exclusive use of the families of citizens who have been determined to be directly involved in any such disaster.**
- (4) 22 U.S.C. 5505 **Disaster Training for State Department Personnel**. This statute provides that the Secretary of State shall institute a supplemental program of training in disaster management for all consular officers. It further provides:
 - In expanding the training program under subsection (a) of this section, the Secretary of State shall consult with death and bereavement counselors concerning the particular demands posed by aviation tragedies and terrorist activities.
 - In providing such additional training under subsection (a) of this section the Secretary of State shall consider supplementing the current training program through—

- **Providing specialized training to create a team of “disaster specialists” to deploy immediately in a crisis; or**
 - **Securing outside experts to be brought in during the initial phases to assist consular personnel.**
- (5) 22 U.S.C. 5506 **Department of State Responsibilities and Procedures at International Disaster Site.** This statute provides that not less than **one senior officer from the Bureau of Consular Affairs of the Department of State (or a post abroad)** shall be dispatched to the site of an international disaster involving significant numbers of U.S. citizens abroad. (The statute does not define how senior or what constitutes a significant number). It also provides for deployment of crisis response teams to provide on-site assistance to families who may visit the site and to act as an ombudsman in matters involving the foreign local government authorities and social service agencies. Crisis teams may include public affairs, forensic, and bereavement experts, and are to be sent to the site of any international disaster involving United States citizens abroad to augment in-country Embassy and consulate staff.
- (6) 22 U.S.C. 5507 **Recovery and Disposition of Remains and Personal Effects.** This statute provides that it is the policy of the Department of State to provide liaison with foreign governments and persons, and with United States air carriers, concerning arrangements for the preparation and transport to the United States of the remains of citizens who die abroad, as well as the disposition of personal effects.
- (7) 22 U.S.C. 5509 **Official Department of State Recognition of Private U.S. Citizen Victims.** This statute provides that the Secretary of State shall promulgate guidelines for appropriate ceremonies or other official expressions of respect and support for the families of United States citizens who are killed through acts of terrorism abroad. Traditionally, a senior diplomatic or consular officer or a senior official from the Bureau of Consular Affairs participates in appropriate ceremonies for victims of large-scale disasters. In addition, appropriate expressions of sympathy may be provided to individual families.

b. Other Legislation Relating to Transportation Disaster Assistance:

- (1) On October 9, 1996, Public Law 104-264, Title VII, Aviation Disaster Family Assistance Act established the basis for assistance to families of victims of domestic aviation disasters. This plan relates to domestic aviation disasters and includes Department of State responsibilities with respect to coordination with foreign

governments.

- (2) On April 9, 1997, the NTSB issued a Federal Family Assistance Plan for Aviation Disasters, as mandated by the Aviation Disaster Family Assistance Act of 1996. This was updated in the Federal Family Assistance Plan for Aviation Disasters of August 1, 2000 (FFAP) and FFAP Index.
- (3) On December 16, 1997, Public Law 105-148, the Foreign Air Carrier Family Support Act, required foreign air carriers with flights to, from, or transiting the United States, to transmit a plan to the NTSB addressing the needs of the families of passengers involved in aircraft accidents that involve an aircraft under the control of the foreign air carrier.

NTSB Note: The NTSB has compiled the Act plus the three amendments into a document.

- (4) On February 18, 1998, the FAA published a Final Rule Requiring Enhanced Passenger Manifests (14 CFR 243) U.S. air carriers flying abroad, and foreign air carriers operating flights to or from the United States, must provide passenger manifests listing U.S. citizens to the Department of State, Operations Center not later than 1 hour after the carrier is notified of the aviation disaster, or if not technologically feasible, then as expeditiously as possible, but not later than 3 hours after the aviation disaster. See the Department of Transportation Assistance to Families of Aviation Disasters documents.
- c. **Regulations:** As of the publication of this subchapter, the Department (CA/OCS/PRI, EB and the Office of the Legal Adviser (L)) is in the process of revising 22 CFR 102 regarding civil aviation accidents.

7 FAM 1833 NOTIFICATION AND ALERTS

(CT:CON-144; 09-13-2006)

- a. A post may be the first to know of an aviation crisis in its district. Sometimes, however, the Department's Operations Center will get the first alert, and advise the post. Assuming you are the first to learn of the crash, you should immediately notify the Operations Center (202-647-1512) and attempt to obtain the following information which will form the basis for initial talking points, press guidance and public announcements:
 - (1) Place of incident (or general vicinity of incident), number of passengers and crew based on preliminary departure information and number of injured and fatalities (if known).

- (2) Flight number, origination, connection points and final destination (if known), and whether the flight was domestic or international.

SAMPLE NOTIFICATION TO THE DEPARTMENT TO BE INCORPORATED IN DEPARTMENT'S INITIAL TALKING POINTS WHEN CONFIRMED

[Name of Authority (foreign government or airline)] confirms that on [date] at [hour:minutes] local [city/country] time,

[Name of Airlines] Flight [number], [type of aircraft] crashed [Details; Where? On take off? On landing?] at [place]. The flight departed [city of departure] at [time] bound for [intervening destinations, final destination].

The aircraft is reported to have [number of passengers] and a crew of [number of crew]. The U.S. Department of State has requested a copy of the passenger manifest.

[Any known survivors?]

[It is unknown at the present time whether there were any U.S. citizens onboard]

[There are no confirmed reports of any U.S. citizens injured or killed at this time.]

[We are unable to publicly release the names of U.S. citizen victims at this time pending notification of the families.]

[The U.S. Department of State has convened a [task force/working group] to assist U.S. citizen victims and their families. Families may contact the U.S. Department of State at [insert phone number]. The U.S. Embassy in [city, country] may be reached at [insert phone number]

[The U.S. Department of State crisis task force may be reached at 202-647-1512

(NOTE: this is the number for the State Department Operations Center. A dedicated number will be established for the individual task force and will be provided to posts as soon as possible.)

[Insert CA Call Center Number as soon as it is operational for 24/7 calls in the event of a task force. The standard CA Call Center numbers are 01-888-407-4747 and toll from overseas: 202-501-4444.]

NTSB Note: NTSB Communications Center 202-314-6290

b. The U.S. embassy or consulate should contact

- (1) **Department of State Operations Center:** You must immediately notify the Operations Center (202-647-1512).
- (2) **Post Emergency Action Committee (EAC):** Using established

telephone tree, notify members of post's Emergency Action Committee.

- (3) **Post's Management Officer:** A disaster of any magnitude will require post to support additional Department and other U.S. Government agency personnel sent in to help post manage the disaster. It may be critically important to secure a large number of hotel rooms, rental cars or vans (with drivers), rental cell phones, and even coffins. If these items are not reserved quickly, they may be difficult or impossible to obtain at a later date.
- (4) **Airline:** CA/OCS/ACS Crisis Management maintains a list of emergency contacts for U.S. airline carriers. We will be contacting those persons from Washington. Posts should contact the local airline representative if there is one, and determine how the airline company plans to configure for crisis. Your post Emergency Action Plan should include pointers as to who at post may have the best contacts – the consular section, the management section, the economic section, the regional security officer (RSO) or the military attaché. Your range of contacts may include:
 - (a) Local representative on scene;
 - (b) Contract representative (See Airline Responsibilities below);
 - (c) Command center at home office; and
 - (d) Command center at international airport
- (5) **Foreign Officials:** Contact host government officials who are responsible for that government's response to the disaster (aviation officials, crisis managers, military, police, etc.)
- (6) **Other Posts:** Posts other than the one in whose consular district the disaster occurred will often have a significant role. You should notify those posts that may fill one of the following roles:
 - (a) **Departure Point:** Post can assist with securing manifest, locating family members, communicating with airline, etc.
 - (b) **Arrival Point:** Also assist with waiting family members, airline officials.
 - (c) **Intermediate Stops:** If the flight has international stops en route to the final destination, posts there can help verify enplaning and deplaning passengers.
- (7) **Other Contacts:** 7 FAM 1880 provides further suggestions on persons to contact.

7 FAM 1834 OBTAIN THE MANIFEST

(CT:CON-144; 09-13-2006)

The flight manifest listing passengers and crew is an essential tool in dealing with the early stages of an aviation disaster. In some cases, the U.S. Department of State Operations Center, the U.S. Department of State crisis Task Force, or CA/OCS may be the first to obtain the manifest, particularly from U.S. based commercial carriers. In other cases, it may be your responsibility as consular officer to deal directly with the carrier on this important issue. In the event of an aviation disaster abroad involving a U.S. carrier or a foreign carrier flying into or out of the United States, authorities in Washington (NTSB, FAA, Department of Transportation, and the Department of State) will be attempting to obtain the passenger manifest. We will also enlist the help of posts abroad to coordinate with local airline authorities.

7 FAM 1834.1 The Passenger Manifest Final Rule of 1998

(CT:CON-144; 09-13-2006)

On February 18, 1998, the FAA published a Final Rule Requiring Enhanced Passenger Manifests (14 CFR 243). This applies to any aviation disaster involving an airline (U.S. or foreign) that operates to, from or within the United States. Under this rule:

- (1) In the event of a disaster outside the United States, the airline must provide a passenger manifest to “appropriate representatives of the United States Department of State” (DOS Operations Center) **“Not later than one hour after any such carrier is notified of an aviation disaster, ...or” “If it is not technologically feasible or reasonable to fulfill the requirement ...within 1 hour, then as expeditiously as possible, but not later than 3 hours after such notification.”**
- (2) The rule provides, “For the purposes of this section, a passenger manifest should include the following information: The full name of each passenger, the passport number for each passenger, if one is required for travel; and the name and telephone number of a contact for each passenger.”

7 FAM 1834.2 Getting the Manifest from other Carriers

(CT:CON-144; 09-13-2006)

Disasters involving non-U.S. carriers that serve the foreign domestic market are not subject to the above rule. Often in the immediate aftermath of a

crash, the carrier is reluctant to release any information fearing legal or public relations consequences. You may have to overcome this reluctance to cooperate in order to secure the manifest directly from the carrier. The following arguments may be useful:

- (1) Explain that your immediate role is to identify U.S. citizens or nationals, and notify the next of kin.
- (2) Point out that this need not conflict with what airline representatives may feel is their responsibility to notify next of kin (NOK), and suggest you and the airline company work together to provide early, simultaneous notification.
- (3) Take the opportunity to explain that there are no “American names.” A U.S. citizen or national may bear a name from any ethnicity or region of the world.
- (4) Assure the company that it is not your intent to release any information from the manifest to the media.

Note: For some foreign carriers, particularly national (versus international) carriers, a manifest may not be available or exist at all, but the point of departure for the flight may still have the boarding passes/ticket stubs.

7 FAM 1835 FAMILY ASSISTANCE

(CT:CON-144; 09-13-2006)

- a. **Calling on all your Skills and Compassion:** While any death or injury of a U.S. citizen abroad from non-natural causes is tragic and significant, aviation disasters, whether caused by accident or deliberate act (terrorism, sabotage, etc.), can be among the most difficult and challenging of all crisis work for consular officers. The guidance provided in this subchapter is the culmination of more than 30 years of experience in the Bureau of Consular Affairs. When CA conducts training for consular officers to prepare them to work on aviation disasters or other tragedies, it is not unusual for us to try to put the magnitude of this work into perspective by showing filmed interviews with families of victims. During the training, instructors ask participants how they would like their family to be informed of their death in similar circumstances and treated thereafter. It is impossible to understate the depth of the suffering of these families or to overestimate how important your role is in diminishing the possibility of inflicting more wounds on the families and lightening the burdens on them.

Read More About Aviation Disasters and Family Assistance

NTSB Remarks

NTSB: The Evolution and Future of Family Assistance

- b. U.S. law requires that U.S. air carriers and most foreign air carriers flying to and from the United States provide specific assistance to families of aviation disasters.
 - (1) The Aviation Disaster Family Assistance Act of 1996; and
 - (2) The Foreign Air Carrier Family Support Act of 1997 provided that, no later than June 15, 1998, foreign air carriers providing air transportation in the United States must file with the Department of Transportation and NTSB a plan to address the needs of families of passengers involved in an accident that involves an aircraft under the foreign carrier's control and results in a significant loss of life. See Frequently Asked Questions about the Foreign Air Carrier Family Support Act.
- c. **Remembering the Victims and Lessons Learned in Training: Specialized Aviation Disaster, Victim Assistance and Bereavement Training:** 22 U.S.C. 5505 provides that the Department shall develop disaster training for consular officers, including training by death and bereavement counselors and consider providing specialized training to teams dispatched to the scene of aviation disasters and family assistance centers. As explained in 7 FAM 1837, CA/OCS provides this additional training to OCS employees and CA fly-away team members through specialized training at the NTSB Academy and training exchanges with U.S. air carriers. This is in addition to our general victim assistance training (7 FAM 1900).
 - 1. **Crisis Management Training:** In addition to crisis training available at the Foreign Service Institute and in-house training in CA/OCS, we frequently include crisis management and family assistance in CA's consular leadership training.
 - 2. **Sensitivity Training from the Family Perspective:** We work with families of victims of aviation disasters, such as the National Air Disaster Alliance, in our sensitivity training for consular officers, to try to ensure that families receive the consular assistance they need and that the assistance is provided with compassion for the families and respect for the victims. We are grateful to all the families with whom we have worked for their generosity of spirit in sharing their personal tragedies with us to assist us help other families and victims.
 - 3. **Cultural Sensitivity:** CA/OCS has also worked with the National Funeral Directors Association (U.S.) to endeavor to develop reference material about funeral customs. Local chapters of the

Red Cross and Red Crescent Societies can also be helpful in this regard. If posts are able to obtain sources of information about foreign funeral and mourning customs and bereavement, please provide them to CA/OCS/PRI (ASKPRI@state.gov).

- 4. Understanding the Magnitude:** This subchapter provides guidance to both posts abroad and to CA/OCS employees. While a post will hopefully experience few aviation disasters, OCS employees generally have decades of experience in this work. CA/OCS maintains a list of significant aviation disasters (this does not include crashes of private planes) we have handled since 1977, including the number of U.S. citizen fatalities and injuries in each incident. It is available on the CA/OCS shared drive OCSDOCS/AVIATION/statistics as part of our efforts to document deaths of U.S. citizens abroad from non-natural causes, as required by law.
 - 5. Lessons Learned:** We also maintain lessons learned material prepared by dedicated consular officers in the aftermath of aviation disaster tragedies and other disasters on the CA/OCS Intranet Crisis Management Lessons Learned feature.
- d. **Coordination on Death Notification:** The Department of State, NTSB, other federal agencies and airlines have developed family assistance plans to maximize assistance to families and to try to avoid duplication and confusion. One aspect of this approach is that we do not dispute who should notify the family first about the tragedy. This is reflected in our memorandum of understanding (MOU)s with the NTSB and the air carriers. What is important is not who makes the initial call, but that the family be notified of the tragedy in a timely manner, with compassion, authority, and without confusion.
 - e. **Caseworker Approach:** The Bureau of Consular Affairs recognizes that proactive consular assistance for families is imperative. To that end, we take a “caseworker” approach to aviation disasters, which often involve long term contact with families over many months or more. This means that we designate a particular officer in CA/OCS, and a specific contact at the U.S. embassy or consulate, for each family or victim, in accordance with 22 U.S.C. 5504a. We also provide families with a toll-free number for their use in contacting the Department, in accordance with 22 U.S.C. 5504b.
 - f. **Assistance to Family Members Who Wish to Travel to the Disaster Site:**
 - (1) **Department Assistance:** CA/OCS works with CA/PPT to provide expeditious U.S. passport assistance to families who wish to travel to the disaster site. If foreign visas are required, CA/OCS will work

with the Department of State country desks or regional bureaus to convey the urgency to foreign embassies and consulates in the United States.

- (2) **Airline Assistance:** The airline may offer tickets and/or meal vouchers to family members to cover expenditures incurred in traveling to the site.

Note:

Appendix A, Inter-Agency Task Force on Assistance to Families of Aviation Disasters, Recommendations:

1.1 Definition of "family member" for purposes of notification and provision of airline services.

1.1.1 The airlines, in choosing its definition of "family member" for the purposes of notification and assistance for travel to and accommodations at the site of crash or memorial services, should recognize that today's families may not have traditional boundaries.

Appendix B, Definition of Family Member of the Federal Plan for Aviation Accidents Involving Aircraft Operated or Chartered by Federal Agencies issued by the NTSB on October 7, 1999 provides:

"The person that would normally be the next of kin for initial notification purposes. Generally, this means spouse, children, parents, and/or siblings. For family assistance purposes, a family member may also include close members of the family such as a grandparent, aunt, uncle, or other relative. It might also include a fiancée, step-children, cousins, companions, or other person outside the traditional definition of family. The definition is left to the sponsoring agency."

The Frequently Asked Questions for the Federal Family Assistance Plan for Aviation Disasters – August 1, 2000 also includes this language.

Appendix E, Question 1 of the Federal Plan for Aviation Accidents Involving Aircraft Operated or Chartered by Federal Agencies issued by the NTSB on October 7, 1999 provides:

"1. Is there a specific definition of who constitutes a family member?"

Answer: U.S. federal and state laws define who constitutes a family member from a legal point of view. These legal definitions may also vary from state to state. The traditional view included spouse, children, mother, father, brother and sister. Terms such as stepparents, stepsiblings and life partners have become more common in recent years in defining some family environments. It is suggested that the sponsoring agency should plan on dealing with a variety of family member scenarios and to take each one on a case-by-case basis."

(3) **Other USG Assistance - Crime victim assistance programs**

may be available to assist victims and their families if the aviation disaster is the result of a criminal act. (See 7 FAM 1900).

CA/OCS's crime victim assistance specialists will coordinate with the Department of Justice Office for Victims of Crime and the FBI Office of Victim Assistance and keep posts and families advised of services available.

See:

- Responding to Victims of Terrorism and Mass Violence Crimes
- Providing Relief to Families After a Mass Fatality (PRFAMF) (pdf) or PRFAMF (html)

(4) **Post Assistance:** Posts should **anticipate the arrival of family members at the scene.** In part because of the long delays in identification often connected with air disasters, and in part because commercial air carriers generally provide free transportation and support for family members, you should prepare for a large number of family members arriving at the scene. Although the airline may have representatives accompanying family members and meeting them on arrival, post should also meet incoming flights with personnel capable of briefing and assisting family members. You should also make sure the family members know how to reach the embassy during working hours and after hours in an emergency.

Remember that these families are vulnerable.

- g. **Crisis or Control Room:** The air carrier will often try to place all family members in the same hotel, and to set up a control or crisis room at that location. Depending on the circumstances and the working relationship, post should either participate with the carrier in staffing the control room, or establish a separate room.
- h. **Briefings:** Keeping family members fully informed on a regular basis is one of your most important functions. Briefings should take place in a comfortable, private environment (hotel meeting rooms are ideal) on a regular basis. Briefings for families should be distinct from media briefings. If NTSB or a similar investigative agency is providing daily briefings to the media and family members of all nationalities, you should try to schedule your briefings as an adjunct, either before or after the larger meeting, and with the same frequency. The Ambassador or other ranking embassy official (DCM, Consul General) should attend the first meeting and periodically appear at the scheduled daily briefings as often as possible. Keep the Department (CA/OCS) advised of what transpires at these briefings so we can be sure to provide the same information to families in the United States. It may be possible to arrange for video teleconference to the United States to locations where families can

receive these briefings first hand. Explore this possibility with the airlines and local authorities and advise the Department (CA/OCS).

- i. **Media Relations and Rumor Control:** Families will soon discover that in the aftermath of an air disaster, there is an overwhelming amount of information produced by the media, host government officials, the airlines, etc. At times this information will seem to conflict. You should explain to families early on that this is not an uncommon phenomenon. Clarify that, while you may be a little behind the media and other sources that are free to report unsubstantiated information; our role is to provide accurate, confirmed information. Use the daily briefings as a forum to separate rumors and speculation from established fact. Consular officers should work closely with post public affairs officers who will be dealing directly with the media. The primary source of information may be the airlines and the host government, unless U.S. investigators are invited to participate. (See 12 FAH-1 H-400 Public Affairs).

See:

Appendix A, Task Force Recommendations **[These recommendations pertain to a domestic aviation disaster in the United States or other disaster being investigated by the NTSB.]**

8. Recommendations on methods to ensure that representatives of media organizations do not intrude on the privacy of families of passengers involved in an aviation disaster.

8.1 The men and women of the media are in the best position to address instances of insensitive treatment that family members have received following an aviation disaster. The Task Force calls upon members of the media to respect the privacy of family members after an air crash. The Task Force also calls upon each media organization, as well as professional trade associations, to establish standards respecting the rights of families.

8.2 The NTSB should serve as a liaison between family members and the press during the initial days following an aviation disaster.

8.3 The NTSB should work with the families and the media to appropriately limit media contact with the families so that families can decide in advance whether they wish to speak with the media. The NTSB should inform families that it is their choice if they want to interact with the media.

8.4 Family members of the victim should have time to cope with the tragedy prior to having the family member's name publicly released, and should be provided an opportunity to personally notify other loved ones of their family member's involvement in an aviation disaster.

See:

NTSB Press Releases

NTSB Resources for Journalists

NTSB Public Affairs Office Contacts

NTSB Academy

Airports Council International Media Relations and Crisis Communications Seminar

NTSB Managing Communications During and Aircraft Disaster

NTSB Media Training for NTSB Investigators

American Red Cross – Standardization of Disaster Messages

Task Force on Assistance to Families of Aviation Disasters Recommendation 8 – The Media

National Center for Victims of Crime Tips for Families Interviews with the Media

- j. **Morgue or Crash Site Visits:** Often arriving family members believe they can visually identify remains. Unfortunately, air crash victims are often not visually identifiable. Explain that the host government controls access to the morgue and access may not be allowed, particularly if it is a makeshift facility. The crash site is the scene of the investigation; access, if granted, may only be at some distance from the actual site. If a visit is allowed, carefully explain to family members, without actually discouraging the visit, the circumstances they would encounter. Encourage families to identify only one member to make the visit, and brief and prepare that individual in advance. An officer should accompany the family member on the morgue visit. If the scope of the disaster warrants, you should consider establishing a control officer at the morgue and/or crash site, not only to assist families but also to liaise with forensic and mortuary personnel there.
- k. **Identification and Return of Remains:** Consult with the families regarding identification and return of remains.
- l. **Disposition of Unidentified Remains:** The practices of the host country may dictate procedures on disposition of unidentified remains of victims. It is important for the post to convey to the host country authorities the sensitivities of families of U.S. citizen victims. In particular, if at all possible, knowledge and consent by next-of-kin should be obtained prior to burial or disposition.
- m. **Personal Effects:** We recognize that the identification and association of personal effects is a difficult and often time-consuming process. Nevertheless, families frequently have an emotional need to recover some item - a wedding ring, purse, wallet or article of clothing - as such effects are the last association or connection with their loved one. It is critical that USG authorities consult with the families about the personal

effects of the victims, and that they return the personal effects to the families unless there is a need or a requirement that they be retained for accident or criminal investigation. Urge responsible authorities to retain any unclaimed possessions for a minimum of 18 months. The process for the return of unassociated personal effects is deliberate and potentially lengthy. To do this correctly, all items are first cleaned as needed, inventoried, numbered, and photographed. Once these steps are completed, authorities may choose to produce a photo catalogue and send to all survivors and/or families of the victims. Because there can be a wide range of emotional reactions upon receipt of this catalogue, it is advisable to notify families before mailing, or to clearly identify the mailing container as to its contents. Provide instructions on how to claim an item. Once all victims or families have responded, sole-claimant items should be returned according to instructions received from the family. Multiple claims to items would require additional evidence of entitlement, such as photographs, invoices, etc.. The item is returned once ownership is determined. There are a growing number of commercial firms that specialize in catastrophe assistance, which may also include the proper preparation and return of personal effects. The NTSB can provide the firms' names for consideration.

For example:

- Kenyon International
- Family Enterprises Inc (FEI)

(Note: FEI does not handle personal effects – they handle call center-type activities)

- BMS Catastrophe

NOTE: DISCLAIMER: The Department of State assumes no responsibility or liability for the professional ability or reputation of, or the quality of services provided by these organizations.

- n. **Memorials:** The erection of memorials and the holding of services are recognized as key elements in healing the grief that family members experience. Should services be held and/or a monument built, it is advisable to involve interested family members early and keep them involved as appropriate. Some important factors are: notification of all families, due consideration to the diversity of backgrounds and beliefs, easy accessibility to the monument by visiting family members, and public and private sources of funding.

7 FAM 1836 WORKING WITH THE HOST GOVERNMENT

(CT:CON-144; 09-13-2006)

- a. The host government has the primary responsibility for managing the crisis. You should be familiar with the host government authorities responsible for investigating and providing family assistance in transportation disasters.

For Example:

U.K. Department of Transport Accident Investigation

New Zealand – Transportation Accident Investigation Commission

Canada – Transportation Safety Board

- b. You should immediately develop contacts and maintain them through the life of the crisis.
- c. Some issues particularly pertinent to aviation disasters include:

7 FAM 1836.1 Site Security

(CT:CON-144; 09-13-2006)

Stress to local officials the need for crowd control at the site. Families of victims and survivors, the media, local onlookers, even looters could arrive unexpectedly at the crash site. Uncontrolled access could impair identification of remains and property, result in damage to, or theft of, personal effects, and impede any investigation into the cause of the crash. Host country authorities may also wish to take into account the importance of security at the hotel where the families are staying to protect them from aggressive media.

7 FAM 1836.2 Investigation Assistance

(CT:CON-144; 09-13-2006)

Determine if local authorities want assistance from the National Transportation Safety Board (NTSB). Ensure that local officials are aware of the potential assistance available from the United States, particularly in cases where you are not confident that the host government has the resources and technology needed. You must have a formal request from local authorities before the USG can consider making such assistance available. Post should relay the request through the Department task force, which will communicate directly with NTSB and FAA. (See 12 FAH-1 Annex J Assistance to Host Country in a Major Accident or Disaster). (NTSB cannot assist in all cases – so any questions posed to the host country should be couched in careful terms so as to not promise assistance before the NTSB agrees)

NOTE: U.S. interests do have the right, under the Chicago Convention, to participate in an investigation involving a U.S. manufactured aircraft, although the official invitation must still be made by the host government.

7 FAM 1836.3 Identification of Victims

(CT:CON-144; 09-13-2006)

Determine whether local authorities need forensic assistance to identify the victims' remains. Local officials must make a formal request through the mission before the United States will consider sending FBI and/or U.S. military forensic experts. Post should relay requests through the Department task force, which will communicate directly with FBI and the Department of Defense/USAF. (See 12 FAH-1 Annex J Assistance to Host Country in a Major Accident or Disaster, 7 FAM 1870 and 7 FAM 200).

7 FAM 1837 WORKING WITH NTSB, AIRLINES AND AIRLINE FAMILY ASSISTANCE CONTRACTORS

(CT:CON-144; 09-13-2006)

- a. **Working with the NTSB:** In the event of an aviation, or other major transportation disaster, CA/OCS coordinates with the NTSB – Office of Transportation Disaster Assistance as appropriate.
- b. **Training:** CA/OCS also participates in aviation disaster training provided by the NTSB Academy. The NTSB offers several helpful courses including:

NTSB Academy

Transportation Disaster Response - Family Assistance

Managing Communications During and Aircraft Disaster

Mass Fatality Incidents for Medicolegal Professionals

Transportation Disaster Response Airport Preparedness Program

FBI Federal Family and Victim Assistance Operations (FBI ONLY)

Note: Please check the NTSB Academy website for new links, descriptions, etc.

- c. **Publications:** The NTSB has developed some helpful publications to explain transportation incident investigations for families of victims.

See NTSB Publications ...

Information for Friends and Family Major Accident Investigations

Information for Family and Friends Regional Accident Investigations

APPENDIX F – Final Report, Task Force On Assistance To Families Of Aviation Disasters (1997) – Information For Survivors And Families Of Persons Involved In An Aviation Disaster

- d. **Working with Airlines:** Under the terms of the Bureau of Consular Affairs MOU with U.S. air carriers, CA works closely with DS to obtain security clearances for designated airline personnel who will then be able to work as liaison officers with the consular segment of a Department of State task force or working group. Similarly, CA provides a liaison to work in the U.S. carrier's crisis operation. In addition, CA/OCS personnel participate in airline disaster training conducted by U.S. air carriers. We encourage posts to develop similar relationships locally and to participate in disaster exercises.
- e. **Working with Airline Family Assistance Contractors:** Many air carriers, including most U.S.-based commercial airlines, have ongoing contracts with specialized firms, (for example, with Kenyon International) to perform the above duties on behalf of the airline. Their representatives are generally well trained and capable. A good working relationship with them may be of major assistance to you in fulfilling your own obligations.

See:

Kenyon International

Family Enterprises Inc (FEI)

BMS Catastrophe

NOTE: DISCLAIMER: The Department of State assumes no responsibility or liability for the professional ability or reputation of, or the quality of services provided by these organizations.

7 FAM 1838 OTHER TRANSPORTATION DISASTERS

(CT:CON-144; 09-13-2006)

Other types of common carrier accidents (trains, buses, ferries) can be even more problematic, but perhaps not as large in scope as air disasters. Local authorities may not have clear systems in place for responding to these disasters and interactions with affected families may not be standardized. Consular officers may find themselves handling facets of the disaster

response entirely alone, without the sort of support provided by the NTSB or air carrier contractors in aviation disasters. An incident such as a train or bus accident in or near a popular foreign travel destination can generate hundreds or even thousands of calls to the Department even when no U.S. citizens are involved. The general guidance in 7 FAM 1800 applies. There are a few unique factors that posts should consider.

7 FAM 1838.1 Notification And Alerts

(CT:CON-144; 09-13-2006)

The process is much the same as that described in 7 FAM 1833 for Aviation Disasters: Notify:

- (1) Operations Center: Notify the U.S. Department of State Operations Center (202-647-1512); and
- (2) Emergency Action Committee (EAC): Using established telephone tree, notify members of Emergency Action Committee, if warranted.

Note: The scope of the accident (e.g. number of U.S. citizen victims) may not warrant assembling a full EAC or convening a full task force or working group. Based on initial information, you may want to handle as strictly a consular issue.

- (3) Transportation Authority or Company: Contact local representative and determine how they will configure and proceed for crisis.
- (4) Trains tend to be government-owned or semi-autonomous, quasi-governmental, state-owned enterprises, which will emphasize the host government responsibilities and provide logical points of contact.
- (5) Bus or motor coach companies may have no clear delineation of responsibility or plan of action. If the motor coach is carrying a specific tour group, the tour organizers or travel agent may be the best source of information and assistance.
- (6) Ferries can be either government-owned or totally private. There is generally a maritime authority that should be contacted
- (7) Foreign Officials: Contact host government officials that will be responsible for government's response to the disaster.
- (8) Other Posts: If the train or bus is crossing national borders, posts other than the one in whose consular district the disaster occurred may have an interest.
 - (a) Departure Point: Post can assist with manifest if any, locating family members, communications with company, etc.

- (b) **Arrival Point:** Post may also assist with waiting family members, company, etc.
 - (c) **Intermediate Stops:** If there were international stops en route to the final destination, posts there may help verify boarding and disembarking passengers.
 - (d) **Other Contacts:** (See 7 FAM 1880 for more suggested guidance).
 - (e) **Charge Card Receipts:** Given the penchant of U.S. citizens to use credit cards, one possibility is to try to develop a manifest using credit card receipts at the originating point. If the slips do not carry the bus, train or vessel number, they can sometimes be sorted by the amount of the fare.
- (9) **The Warden System:** In the absence of any manifest or similar document, the post's warden system can often be utilized. Contact wardens at the points of origin and destination, and along the route if appropriate. Advise them of the accident, and ask them to get the word out to the American community.
- (10) **E-Bulletin Board/Call Center/Phone Service:** Provide a point of contact, phone, fax, or e-mail that persons can use to report the names of U.S. citizens who might possibly be on board. If you use a special phone line for this purpose, avoid the use of music while callers are on hold, as it could be offensive to worried families.
- (11) **Local Media:** If the incident is receiving considerable media coverage, try to arrange a Public Service Announcement that will provide instructions and contact information for individuals who may know about U.S. citizens involved in the accident.
- (12) **Post Web Page:** Publish information about the accident, including date, time, train, bus or vessel number or name, route and location of accident. Provide a point of contact for readers to report information about any U.S. citizens involved.

See ...

Cruise Ships

MOU Between Coast Guard and NTSB Regarding Marine Accident Investigation

7 FAM 1839 ROLE OF THE DEPARTMENT OF STATE REGARDING DOMESTIC AVIATION DISASTERS IN THE UNITED STATES

(CT:CON-144; 09-13-2006)

- a. The Federal Family Disaster Assistance Plan, Federal Disaster Plan involving Aircraft Operated by or Chartered by Federal Agencies, the MOU between the Department of State and the NTSB and the MOUs between the Bureau of Consular Affairs and U.S. air carriers assign specific roles to the Department of State regarding **domestic aviation disasters in the United States**. (See 7 FAM Exhibit 1830 B, 7 FAM Exhibit 1830 C, 7 FAM Exhibit 1830 D and 7 FAM Exhibit 1830 E).
- b. Since the signing of the 1997 MOU between the Department of State and the NTSB, the Department and posts abroad have been called upon to provide a variety of forms of assistance to the NTSB, to foreign governments and to foreign victims and foreign and U.S. family members residing abroad, perhaps most notably in the aftermath of the terrorist attacks of September 11, 2001. See the OCS Intranet reference library for copies of guidance sent to U.S. embassies and consulates and diplomatic notes sent to the chiefs of mission (CM) in Washington D.C. in that regard. There follows a brief description of the consular assistance provided since 1997 related to other aviation incidents in the United States. These examples are provided to illustrate to consular officials who may be called upon to do this work in the future the scope of the assistance required. One significant aspect of this work can be the need to establish a 24/7 (or nearly) visa operation for family members of victims, subject to the screening requirements, of course.
 - (1) KAL Flight 801 Boeing 747-300, HL7468 Nimitz Hill, Guam August 6, 1997.
 - (a) The Department sent the U.S. Consul General from Tokyo to Guam to serve as liaison with the Korean Government representatives. This required not only diplomatic and consular skill and knowledge of Department crisis management, but also cultural sensitivity about funeral and bereavement customs and practices. Locally Employed Staff (LES) and foreign embassy contacts in Washington D.C. proved essential in assisting the Department so that we could provide appropriate information to the NTSB;
 - (b) The Department sent a consular crisis management specialist to Guam to assist as liaison to the NTSB regarding outstanding consular questions addressed in the MOU. This included, in particular, notification of U.S. citizen family members of victims residing abroad; coordination with the Department and posts regarding issuance of U.S. visas to eligible family members from Korea traveling to Texas where burn victims had been moved for treatment; and coordination with U.S. Citizenship and Immigration Service (USCIS)

regarding entry into Guam of Korean national family members.

- (c) The Department was called upon to obtain country clearance for U.S. investigation and mortuary team members en route from the continental United States to Guam and transiting Japan without passports, and to facilitate the issuance of emergency U.S. passports. We also participated in briefings with the Korean Embassy, representatives from the Foreign Ministry and the NTSB regarding identification of remains.
- (2) Egypt Air Flight 990 Boeing 767 Model 366 ER Crash October 31, 1999 in the Atlantic Ocean about 60 miles south of Nantucket Island, Massachusetts. The Department sent fly-away teams from CA and NESABureaus to New York and Rhode Island. In addition, CA/OCS/PRI and L/CA coordinated with the Rhode Island Attorney General's office regarding procedures for issuance of death certificates. The fly-away team members liaised with family members of U.S. citizen victims, tour company representatives, Egypt Air officials and foreign diplomats whose nationals were aboard the flight. The Department also encouraged Egypt Air to relax its policy and allow more than one family member to travel to the United States at airline expense to visit the recovery and memorial site. Additionally, through our Embassy in Cairo, we worked with Egyptian officials to facilitate travel to Cairo by Sudanese nationals whose family members died on the flight so that the travelers could obtain visas at U.S. Embassy Cairo.
- (3) Alaska Air Flight 261, a McDonnell Douglas MD-83, N963AS, crashed into the Pacific Ocean about 2.7 miles north of Anacapa Island, California January 31, 2000. CA/OCS worked with CA/VO and various posts on the issuance of U.S. visas to eligible alien family members to attend a memorial service in the United States.

7 FAM EXHIBIT 1830A

CHECKLIST OF POST'S RESPONSIBILITIES IN AN AVIATION CRISIS

(CT:CON-144; 09-13-2006)

Summary of Post's Responsibilities in an Aviation Crisis

1. **Post's Initial Responsibilities:** Post will usually be the first to know of a crisis in its area. Initial responsibilities include but are not limited to:
 - ☐ a. Post notifies the Department via the Operations Center 202-647-1512.
 - ☐ b. Post convenes post's Emergency Action Committee (EAC).
 - ☐ c. Post sends a consular officer or team to the scene or to a nearby location. (See 7 FAM 1880 At the Focal Point of the Disaster). This officer/team will:
 - (1) Establish contact with local officials.
 - (2) Determine the status of U.S. citizens involved.
 - (3) Help facilitate identification of victims and survivors, and their property.
 - (4) Help to set up medical evacuation and return of remains.
 - (5) Provide current information to the post's EAC.
 - (6) Ensure team is briefed on what to expect.
 - (7) On-Site progress meetings should be held daily to disseminate information obtained during the day's activities and discuss plans for subsequent activities.

NOTE: Aircraft wreckage sites may expose investigators to certain risks, including biohazards, airborne hazards, adverse terrain and adverse climatic conditions. Personnel involved in the recovery, examination and documentation of wreckage may be exposed to physical hazards from such things as hazardous cargo, flammable or toxic materials, vapors, sharp or heavy objects, pressurized equipment, and disease. Authorities responsible for the investigation should conduct on-scene safety assessments and provide protective equipment to participants. **Consular officers do not perform these functions.** See NTSB Aviation Investigation Manual (pages 16-17), Major Team Investigations Appendix G On-Site Safety.

- ☐ d. **Consular Fly Away Team Needs and NTSB Go Team**

Requests:

- (1) After gauging the size of the crisis and assessing post resources, the EAC will decide whether to request a Consular Flyaway Team or TDY (temporary duty) support, and will keep the Department advised of events via frequent situation reports and phone conversations.
- (2) If the host country requests assistance from the NTSB, one of the key requests the EAC may receive is for assistance in coordinating arrangements for accommodation and meeting rooms.
- (3) It is preferred that the press briefing room not be adjacent to the Command Center or Family Assistance Center.

2. Establish Information Links with Foreign Authorities and Air Carrier

- ☐ a. Establish communication with airlines.
- ☐ b. Establish contacts with local civil aviation authorities government officials, hospitals, medical examiners, etc.
- ☐ c. Establish contact with CA, EB, the Desk, etc. (more information may be available, including manifest, etc.).
- ☐ d. Set up regular communication schedule with Department.

3. Key Issues

- ☐ a. **Manifest:** For some foreign carriers, a manifest may not be available or exist at all, but the point of departure for the flight may still have the boarding passes/ticket stubs. Post at departure point may be able to assist. This post should email/fax all available information to the Department.

NOTE: In many instances (foreign and domestic), a manifest does not exist in the immediate aftermath of an aviation disaster but is something that must be compiled. Who took an earlier flight? Who missed an en route connection? Were there infants (children under 2) on board who were not listed? In other words, there is almost always a difference between (1) who was scheduled to be on the plane and (2) who actually boarded.

- ☐ b. **Consular Fly Away Team:** Make contact with Fly Away/TDY Response Team upon arrival.
- ☐ c. **U.S. Investigation Team:** Will local authorities need assistance from the National Transportation Safety Board (NTSB) and Federal Aviation Administration (FAA) to investigate cause of accident and/or identification of remains? Post must have request from local authorities before United States can consider making such assistance

available. **NOTE:** U.S. interests do have the right, under the Chicago Convention, to participate in an investigation involving a U.S. manufactured aircraft, although the official invitation must still be made by the host government. Request should be relayed through Department task force which will communicate directly with NTSB and FAA. (See 12 FAH-1 Annex J Assistance to Host Country in a Major Accident or Disaster).

- ❑ d. **Crowd Control:** Arrangements should be made by local authorities for crowd control. Families of victims and survivors will be arriving unexpectedly and curious local people will also come simply to look at the crash site. This could impair identification of remains and property and impede any investigation into the cause of the crash.
 - ❑ e. **Death Certificates:** Local authorities should consider what arrangements will be made for issuance of death certificates. Many families of victims will want the certificates as soon as possible, though positive identification of remains may be problematic, and almost always time consuming. One possible solution is to set up a temporary civil registry office at the morgue and issue the certificates as the remains are identified. Review local law regarding issuance of presumptive death certificate when identification is not possible.
 - ❑ f. **Morgue/Storage of Remains:** Ascertain if adequate equipment is available for shipment/storage of remains.
4. Establish Post Site Command Center. (See 7 FAM 1880)
- ❑ a. **Be Prepared for a Massive Record Keeping Effort.** There is an enormous amount of paperwork that post will need to generate or track following a disaster. Post should request additional staffing to focus solely on this responsibility; maintaining lists of victims, NOK (next-of-kin) names and contact information, status of identification, disposition of effects, etc. We cannot stress this point too strongly. Start documentation as early as possible following the crisis, or you will not be able to recover. Assistance from systems staff will be critical in this regard. Establish an action/information log and assign someone to maintain it. Keep a central list of contact names, phone numbers, and fax numbers. Department can also e-mail access and excel prototypes to Post.
 - ❑ b. **Prepare To Receive and Brief Families of U.S. Citizen Victims and Media Representatives at Site.**
 - (1) Your briefing team should include officers assigned to meet incoming flights of family members, as well as officers who can provide information at the families' temporary quarters.
 - (2) A ranking officer (Ambassador, DCM, Consul General) should be present, if possible, for the initial meeting with

families.

- (3) There should be separate briefings for families and the media.

5. **Immediate Action of Post Consular Team.**

❑ a. **Locating Victims**

- (1) Check local hospitals, morgues for victims (injured and uninjured survivors, and fatalities). Identify yourself to hospital/morgue officials, let them know that you are attempting to locate any U.S. citizens involved in the disaster, leave them your contact information, and ask that they alert you when they encounter a victim or survivor who may be a U.S. citizen.
- (2) Remember that U.S. citizens include a wide variety of racial and ethnic groups. If you ask local authorities if there are any Americans involved, they may say no, thinking that all Americans are blond and blue-eyed. It may be necessary to go from bed to bed asking if anyone is a U.S. citizen.

❑ b. **Survivors**

- (1) Personally interview survivors and make sure they are receiving adequate care and support. Make sure their NOK have been notified.
- (2) Assess need for medical evacuation in consultation with local physicians and post medical team. (See 7 FAM 360).

❑ c. **Injured Survivors**

- (1) All medical cases should receive primary attention.
- (2) Advise Department whether survivors can be cared for adequately by local medical facilities.
- (3) If not, what options are available for alternate care?
- (4) Will the airline carrier pay for private air ambulance if needed?
- (5) Is U.S. Air Force MEDEVAC necessary and possible? (The Department (CA) will coordinate on this issue. (See 7 FAM 360 and 7 FAM 364.5).
- (6) Keep Department and family informed of diagnosis/prognosis.

❑ d. **Uninjured Survivors**

- (1) Be aware that uninjured survivors will need support and attention, including psychological care.
- (2) Community liaison officer or medical personnel at post

may be helpful in locating clothing, lodging, etc., for uninjured survivors and coordinating counseling through local community.

❑ e. **Deceased Victims**

- (1) Track the progress of remains removal for identification, disposition/shipment of remains, death certificate issuance, and identification and disposition of effects.
- (2) Keep Department (CA/OCS) informed of progress.
- (3) **No Mass Burial:** Convey to local authorities concern that no mass burial should take place until efforts to identify remains are completed, including DNA testing if necessary, and that families should be consulted before any disposition of unidentified remains.

NTSB Note: See ...

Pan American Health Organization Publications

Disaster Myths That Won't Die

Infectious Disease Risk From Dead Bodies Following Natural Disasters

Public Library of Science

After the Tsunami: Legal Implications of Mass Burials of Unidentified Victims in Sri Lanka

❑ f. **Notification/Condolence Letters/Family Action Taskers**

- (1) Notification of death should be done by telephone by Department or post task force depending on the disaster. Roles should be clearly established at the beginning of the task force. The airline may conduct the initial death notification. (See 7 FAM 200).
- (2) **Condolence Letters:** Death notification/condolence letters should be sent via express mail, as soon as possible. In a major incident, condolence letters should be signed by appropriate senior Embassy or Department official (Ambassador or CA Assistant Secretary). Again, this should be agreed upon between post and Department at the beginning of the task force. The Department (CA or post) should make every effort to provide this service, which will include the name, address and phone number of the case officer assigned to assist that family. This should be done even if the initial death notification was made by the airline. Sample letters are available on the CA/OCS Intranet page.

❑ g. **Coordination with Families, Airline and Local Authorities on**

Identification of Remains, Disposition of Personal Effects and Local Death Certificates/Consular Reports of Death:

- (1) **Airline Family Assistance Plan:** If the airline and/or its contractor (e.g., Kenyon International, BMS Catastrophe, etc.) will be facilitating identification of remains and disposition of personal effects not being controlled by local authorities as part of the accident investigation or any criminal investigation, the role of the post and the Department may be limited. CA will coordinate with post and families regarding issuance of the Consular Report of Death and Consular Mortuary Certificate. CA, in consultation with the Office of the Legal Adviser, will also coordinate with local authorities regarding issuance of presumptive death certificates and consular Reports of Presumptive Death. (See 7 FAM 200).
- (2) **Criminal Investigation:** If the aviation disaster involves a criminal investigation, procedures for identification of remains and disposition of personal effects may be defined by the criminal investigation team, or by local law. The Department and post(s) will coordinate closely to clarify the course of action we will take collectively to keep families informed in an effort to avoid duplication of effort. Even when the host government has a well organized plan for this type of situation, it is important the U.S. Government provide appropriate assistance to our own citizens. CA will coordinate with the U.S. Department of Justice Office for Victims of Crime and the FBI Office of Victim Assistance and provide clear instructions to post(s). (See also 7 FAM 1900).
- (3) **No Airline Family Assistance Plan:** In an aviation disaster involving a non U.S. air carrier serving the foreign domestic market or non-international flight, the post and the Department may have to play a major role. (Airlines departing from or landing in the United States are required by law to file Family Assistance Plans with the NTSB.) If there is no such plan, immediately after death notification, Department (CA) and/or post can provide families with the Family Assistance Brochure and Checklist along with supporting documents. The host country may have its own materials for the family to complete, or it may rely on consuls from countries whose citizens were aboard the flight to disseminate information to families.

□ h. **Identifying Remains (See 7 FAM 1860 and 7 FAM 200)**

Note: For countries that are part of Interpol, a Disaster Victim Identification team from Interpol is available.

- (1) The identification process is very deliberate and time-consuming. Consequently, you may have to caution family members and the media not to expect immediate identification of remains. In some cases, unfortunately, not all victims may be recovered or identified. From common sense to the technically complicated, there are many techniques involved with identification.
- (2) The process may start with documents found on the victim, as well as descriptions of clothing, jewelry, and other characteristics provided by family members. The forensic odontologist may ask family members to send in any available dental records and/or X-rays. FBI, Interpol, or local authorities may be able to confirm identity on the basis of fingerprint comparisons. Forensic pathologists and anthropologists can also assist by providing information on general age, gender, physical size, color of hair and eyes, and race of the victim. The medical examiner may be able to determine the identity of a victim based upon past medical information collected from family members, such as a previously broken bone or a surgical procedure. Collectively, all these findings must support one another before the medical examiner can make a positive identification.
- (3) Forensic authorities will probably need dental records, dental X-rays, fingerprints, photographs, physical description, description of jewelry usually worn. Remember that dental records may be useless for identification of people who never had any cavities. DNA tests based in comparison with blood samples provided by surviving family members may be recommended. It may be necessary to have the FBI obtain latent fingerprints from the victim's home to be compared against the fingerprints of all the victims.
- (4) **Are local facilities capable of dealing with large number of remains?** If not, one temporary solution may be to use freezer trucks to preserve the remains.
- (5) Do local authorities have the forensic capabilities to identify remains?
- (6) An officer from the Embassy/Consulate should be assigned to the morgue for liaison with local authorities. The officer can be helpful in coordinating requests for any technical assistance the local officials may require. A liaison officer stationed at the morgue can also be useful in dealing with families who arrive there and may want to help identify the remains of their loved one. A decision to allow access to the morgue rests with the

local authorities. In any event, the family (or just one candidate of the family) should be briefed and prepared before viewing the remains.

□ i. **Shipment of Remains**

- (1) Who will pay? In an airline disaster, the carrier usually pays all costs for preparation and shipment of remains of victims.
- (2) Establish an early rapport with local funeral directors to ensure cooperation and timely disposition of remains.
- (3) Try to make official paperwork as simple as possible. Avoid creating complex questionnaires. Much of the information needed to complete consular documentation is available from PIERS (Passport Information Electronic Records System) records.
- (4) Ensure that Department knows exactly when and where the remains will arrive in the United States. It is particularly important that the airlines understand the sensitivity of the issue and that the family not be required to pick up the remains at the airport freight reception area in the United States. The Department may have offices in the city of the reception area (DS (Diplomatic Security), OFM (Office of Foreign Missions), or PPT (Passport Services) or send officers from Washington to be present.
- (5) Have an officer at the airport when the remains are shipped. In some cases confirmed reservations may not yet be available for remains being shipped to destinations beyond the U.S. port of entry. An officer stationed at the airport's outbound cargo area will be able to obtain flight information and copies of the airway bills, which can then be forwarded to funeral homes in the United States. Also, when multiple caskets are being shipped to different destinations, this officer may be very useful in reducing or eliminating the possibility that a coffin is shipped to the wrong city.

□ k. **Reports of Death**

- Provide family members and other appropriate persons with as many gratis copies of Report of Death as they want. (See 7 FAM 200).

□ l. **Personal Effects**

- (1) In an effort to prevent looting of property, discuss crash site control with Airline representatives and host government security as soon as possible after the event.

- (2) Send a diplomatic note to the host government making clear the statutory consular responsibility in estate cases and the responsibility of the host government to prevent looting.
- (3) The Department/post can obtain descriptions of personal belongings from families of victims.
- (4) Families may arrive in the host country and wish to search for personal effects. The host country and/or airline family assistance service provider may establish procedures for identification of personal effects.
- m. **Proof of Legal Entitlement to Personal Effects of Decedent**
 - (1) If the host country or airline family assistance service provider is handling identification and distribution of personal effects, there may be limited or no consular role in establishing legal entitlement to personal effects.
 - (2) Local authorities may take the position that they will release to post, for subsequent distribution to families, only those personal effects that are positively identified or for which ownership is confirmed. For the sake of flexibility, and to speed the process of returning effects, post will be allowed to accept faxed copies, rather than originals, of affidavits from the NOK. The NOK should be instructed to send the original signed and notarized copies of affidavits to the Department (CA/OCS/ACS) for record-keeping purposes. The Department will then fax copies to post for inclusion with the file.
 - (3) If effects are extremely valuable, consult with Department regarding the need for letters testamentary or letters of administration.
 - (4) Establish a database for personal effects that will allow you to track their location, receipt of proof of entitlement, etc.
- n. **Disposition of Personal Effects Instructions**
 - (1) NOK should provide written confirmation of verbal instructions relating to the destruction or the return of any personal effects.
 - (2) The clothing and other personal effects may be damaged as a result of the disaster, and it may be very disturbing for the NOK to see them without close family or other support. In such cases, it may be prudent for post to offer to send the effects to a third party, such as an attorney or family friend, rather than directly to the family.
- o. **Cleaning/ Decontaminating Effects:**

- (1) Are local authorities equipped to clean/decontaminate the personal effects?
- (2) Are local authorities willing to release all effects, or do they propose to destroy contaminated property?
- (3) Posts should request that families be consulted.

❑ p. **Inventories of Personal Effects:**

- (1) If the personal effects are in the hands of local authorities, it is a good idea to assign one member of your staff permanently to the place where the effects are being identified and prepared for release to U.S. consular officials.
- (2) If preliminary inventories are prepared by foreign authorities, unfamiliar with U.S. terms for articles of clothing, etc., be prepared for questions from families.

❑ q. **Retention of Personal Effects by Authorities for Evidence:**

Local authorities will sometimes hold as evidence all baggage and personal effects, including items of jewelry, found on the remains of the deceased. Survivors and family members of the victims should be made aware that it may be several months before such items will be released. Host government laws relating to the retention of evidence in an on-going criminal case may prevent the immediate release of some of the personal effects to families. In some countries, the law may require that evidence in a criminal case be retained until the case is brought to trial and a verdict is issued. Post should liaise with local law enforcement officials in such cases, stress the importance of returning to the families the personal effects that are not critical to the investigation, and obtain a copy of the pertinent law for use by the Department/post in explaining to families why certain personal effects must be retained by host government investigators.

❑ r. **Shipment of Property**

- (1) Decide on a dependable and safe system for shipping effects to the proper recipients, one which will enable you to track where the effects have gone. Try to use the fastest available method of shipment. Be prepared to send out the effects in several phases; identification and release of effects by local authorities can be an extended process.
- (2) If you have to pack the personal effects for shipment, you will need to have a sufficient supply of boxes, gloves, coveralls and cleaning materials, and a secure place to store everything. If you need strong boxes which are not locally available, ask the Department for help.
- (3) Post should include a letter from the Consul General

conveying condolences. Do not enclose a “with the compliments of” card with effects returned to families.

- (4) Local authorities may prefer to deliver personal effects to family members directly.

□ s. **Meeting and Briefing Families of Victims**

- (1) Meet and assist all known arriving U.S. citizens at the airport.
- (2) Have a large sign that identifies the embassy/consulate representative and wear a name tag. If people don’t know who you are, they will complain that you were “not there” in our experience.
- (3) Advise persons acting on behalf of family members to have with them a notarized power of attorney.
- (4) The officer assigned to the airport should be fully briefed about the current situation and capable of briefing families.
- (5) A ranking embassy/ consulate official should meet families periodically at regularly scheduled times and locations (e.g. at the noon briefing at the hotel where the families are staying).
- (7) A crisis room should also be available at the hotel, if appropriate depending on the size and scope of disaster, where family members can meet one another, pose questions to post officers, etc.
- (8) It is helpful to have a separate room available should there be a need to convey information in a sensitive or private manner.

7 FAM EXHIBIT 1830 B

DEPARTMENT OF STATE – NATIONAL TRANSPORTATION SAFETY BOARD (NTSB) MEMORANDUM OF UNDERSTANDING (MOU)

(CT:CON-144; 09-13-2006)

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE DEPARTMENT OF STATE AND THE NATIONAL TRANSPORTATION SAFETY BOARD

This MOU was signed by Secretary of State Albright and NTSB Chairman Hall in June 1997. Copies of the signed document are available in CA/OCS/PRI.

PREAMBLE: This Memorandum of Understanding defines and establishes guidelines for mutual cooperation and assistance by, and between, the Department of State (DOS) and the National Transportation Safety Board (NTSB). Noting the distinction between air disasters occurring within the United States, and those occurring outside the United States, this Memorandum encompasses activities of each organization, primarily relating to assistance to families of victims, following an aviation disaster.

AUTHORITIES: This Memorandum is entered into in furtherance of the authority granted the NTSB under 49 USC 1113(b)(1)(C) to use, when appropriate, available services, equipment, personnel and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis. This Memorandum also is entered in furtherance of the Aviation Disaster Family Assistance Act of 1996, Pub. L. 104-264, Title VII, 110 Stat. 3264-3269 (Oct. 9, 1996), and the Presidential Memorandum of September 9, 1996 designating the NTSB as the agency to coordinate the provision of Federal services to the families of victims. Additional authority is provided by the Economy Act, 31 USC 1535.

OBLIGATIONS, ROLES, AND RESPONSIBILITIES:

- (1) The NTSB is recognized as the lead federal agency in all instances involving an aviation disaster within the United States ("domestic crashes"), regardless of the nationality of airline, crew, passenger or the nationality of the aircraft manufacturer.
- (2) The DOS is recognized as the lead federal agency with respect to assistance to families of U.S. citizen victims in all instances involving an aviation disaster outside the United States ("foreign crashes").
- (3) In all circumstances involving an air disaster, the two parties shall

maintain close liaison and coordination. Both parties shall ensure full and free access to their respective crises centers to the other when necessary to facilitate fulfillment of the liaison function. All necessary credentials and security clearances will be granted on an expeditious basis.

(4) All public statements to any party, including the press, airlines and victims' families in a domestic accident are to be made solely by NTSB representative(s).

(5) All public statements by either NTSB or DOS following a foreign crash for which NTSB does not have primary investigative authority will be coordinated between NTSB and DOS, which will coordinate as appropriate with the government in charge of the investigation.

(6) The NTSB and DOS shall undertake to advise the other concerning the content and timing of such public statements, to the extent practicable.

(7) In the event of a domestic accident, DOS agrees to assist the NTSB, upon request, subject to reimbursement for direct expenses incurred by DOS, when applicable, with services which include, but are not limited to, the following:

- (a) Officially notifying any foreign government deemed to be involved by DOS.
- (b) Promptly providing a liaison officer upon request by NTSB to assist with on-scene matters involving the responsibilities referenced in this Memorandum. Such a request would be made at the earliest opportunity to an official of the DOS Operations Center.
- (c) Providing on a reimbursable basis interpreting and Translating assistance, subject to the availability of interpreters and translators and other demands as determined by DOS, to the NTSB when needed to facilitate communication with any interested parties.
- (d) Assisting the entry into the U. S. of families of foreign victims through the issuance of visas, if necessary, to eligible applicants.
- (e) Advising the appropriate parties, when necessary, of requirements pertinent to the transport of remains and personal effects, including associated and unassociated articles, into the country of destination.
- (f) Assisting, as necessary, foreign government officials in obtaining death certificates for families of foreign victims.
- (g) Providing logistical and communications support, to the extent practicable, in establishing contact with foreign

authorities and individuals abroad to aid the NTSB in fulfilling its duties under the laws referenced above.

- (h) Assisting NTSB in its oversight role as it relates to the responsibility of the airline in contacting next of kin not currently in the U. S.

(8) In the event of a foreign crash, DOS agrees to assist the NTSB, upon request, subject to reimbursement for direct expenses incurred by DOS when applicable, by providing services which include, but are not limited to, the following:

- (a) Securing country clearance, as necessary, for NTSB entry to foreign countries to pursue investigations or, when requested by DOS, to assist DOS in providing assistance to victims' families.
- (b) Making available consular and other personnel, consistent with other priorities as determined by DOS, to support the NTSB as necessary.
- (c) Providing, consistent with usual practice, appropriate reports of death of U.S. citizens killed abroad in an air crash.
- (d) Inviting, when judged appropriate by DOS, NTSB officials to participate as observers in any DOS response team sent to a foreign crash to augment efforts of the local U. S. embassy or

For the Department of State:	For the National Transportation Safety Board:
//s//	//s//
6-2-97 Madeline Albright	James S. Hall, Ch. 6-19-97

7 FAM EXHIBIT 1830 C

BUREAU OF CONSULAR AFFAIRS

MEMORANDUM OF UNDERSTANDING (MOU)

OF BEST PRACTICES WITH AIRLINES

(CT:CON-144; 09-13-2006)

MEMORANDUM OF UNDERSTANDING REFLECTING BEST PRACTICES AND PROCEDURES

Note: MOUs signed by CA Assistant Secretary and U.S. Air Certain Carriers November 18, 1996. For original signed copies, see CA/OCS/ACS Crisis Management files.

Recognizing the need for cooperation and mutual assistance following aviation disasters outside the United States involving United States citizens, and mindful of the provisions of the Aviation Security Improvement Act of 1990 (Public Law 101-604); and with a view to addressing these important concerns, the signatory air carrier ("the Airline"), and the United States Department of State ("the Department"), also hereinafter referred to as "a Party" or "the Parties," will achieve the following:

1. Designation of Points of Contact

A. Within two weeks of when this Memorandum has been signed by the Parties, the Parties will exchange information concerning their respective key personnel within each entity who would have decision-making, policy, operational, and implementing roles in the event of an aviation disaster outside the United States.

B. The information exchanged should include an initial point of contact office, available 24-hours a day, seven days a week, which would be in a position to alert key operational officers to an incident.

C. In addition to names and telephone numbers of key personnel, the Parties shall designate respective primary and alternate facsimile numbers available for the immediate receipt of important information.

D. Each Party will provide the other with any toll-free number(s) it intends to make available for use by next-of-kin in a crisis situation.

E. The Parties will exercise diligent efforts to continuously up-date, as necessary, the information specified in this segment.

2. Information Sharing

A. Upon learning of a situation outside the United States that has affected

the health and safety of U.S. citizen passengers, the Party receiving such information will alert the other Party at the earliest opportunity to allow both the Airline and the Department to begin preliminary actions to meet their responsibilities. A Party should exercise its good judgment in deciding whether the matter warrants advising the other. This provision creates no obligation to transmit information that has not been judged specific and credible.

B. This alert should include the following information, if known:

- (1) the air carrier and flight number;
- (2) the flight's point of origin, destination, and any intermediate stops;
- (3) the time, location, and nature of the incident; and
- (4) the number of U. S. citizens passengers and any information on their condition.

C. The Department will advise any U.S. embassy or consulate affected, unless it is the source of the information.

3. Exchange of Liaison Officers

A. Within two hours of the initial notification of an aviation incident abroad, the Parties will confer regarding the feasibility and desirability of exchanging liaison officers between their respective crisis centers, in both the United States and at the site of the incident, to facilitate communications between them.

B. The advisability of such an exchange will depend upon the nature, duration, and severity of the aviation incident abroad.

C. In instances when the Parties agree that it is not necessary to physically locate liaison officers in each other's crisis centers, each nonetheless should assign one of its employees on-site in its crisis center to serve as liaison officer with the other.

D. Within thirty days after this Memorandum has been signed by both Parties, the Parties will advise each other of the names of the persons designated to serve in the role of liaison officer so that efforts can be made to provide these individuals with information and training to familiarize them with the internal procedures of the other Party's organization.

4. Duties of Liaison Officers

A. The general duties of respective liaison officers are: (1) to apprise the Party to whom he/she is liaison of significant actions being taken by the Party whom he/she represents; (2) to keep the Party whom he/she represents informed of steps being taken by the Party to whom he/she is liaison; and (3) to ensure adequate prior consultation between both Parties regarding decisions which have the potential to affect both.

B. The liaison officer at all times should be provided sufficient information from the Party whom he/she represents to be able to brief key personnel of the Party to whom he/she is liaison.

C. The liaison officer should serve as the main conduit from whom and to whom all information is passed between the Parties.

D. When the Parties confer directly concerning matters of mutual interest, the liaison officer should participate in, or at least be aware of, the content of those discussions.

E. The liaison officer should provide the Party to whom he/she is liaison with copies of all statements issued publicly by the Party whom he/she represents so that both Parties are familiar with information being provided to the media. When at all possible, such statements should be made available prior to their public dissemination.

F. The liaison officers should exchange information enabling both Parties to provide consistent and accurate updates to affected family members.

G. The liaison officer should provide the Party whom he/she represents with summaries prepared by the Party to whom he/she is liaison describing the current state of affairs as it pertains to the Party's efforts to deal with the situation. The Department liaison officer will provide reports consistent with applicable security regulations governing classified material and laws and regulations on personal privacy.

H. The liaison officer immediately should establish procedures to identify and handle high priority calls, e.g., those received from persons apparently related to passengers on the flight in question.

I. The liaison officers should work with the Parties' respective on-site representatives to promote effective consultations at the site on matters such as (1) coordination with foreign officials; (2) the recovery and transport of remains; and (3) the handling of personal effects.

5. Cross-Training

A. Each Party will conduct sessions to familiarize the other with its crisis management procedures and facilities, including simulation exercises to assess the practicality of the steps outlined above.

B. Each Party will make efforts to participate in each other's training exercises to gain an appreciation of the other methods and procedures.

6. Passenger Manifests

A. Consistent with the purposes of Sec. 203 of the Aviation Security Improvement Act, the Parties will work for the exchange of timely and accurate passenger manifest information.

B. Accordingly, the Airline shall transmit to the Department the names of passengers and any additional information consistent with that outlined in

Sec. 203 of the Aviation Security Improvement Act of 1990 to assist in identifying a point of contact for each passenger. The Airline will provide an unverified manifest within three hours of the Airline's (should this be Airline?) being notified of an event.

C. The Airline will update the information referred to above as it becomes available.

D. Each page of a manifest transmitted should bear the notation: "Manifest of (Date/Time) - Subject to Refinement - Not for Public Dissemination."

E. The Department shall treat passenger manifest information it receives from the Airline as privacy-protected under the relevant statutory authority and not disclose such information by any method (written, oral, or electronic) unless such disclosure is authorized by law. Information provided to the Airline by the Department will be shared within the Airline only on a need-to-know basis and will not be disclosed otherwise without Department approval.

F. Upon receipt of passenger manifests, if necessary, the Department will initiate an internal review of the passport records of the individuals listed to attempt to gather information identifying next-of-kin or other representatives. As stated in the Notice published in the Federal Register of August 2, 1995, such information can and will be made available to the Airline, upon request, to assist in identifying next-of-kin should this become necessary.

G. In consultation with the liaison officer of the Airline, the passenger manifest may be used to assist in identifying high priority incoming calls, i.e., those calls from persons who appear related to a passenger whose name is listed on the passenger manifest.

H. The Department will fulfill the responsibility assigned to it by Sec. 204 of the Aviation Security Improvement Act "to directly and promptly notify the families of victims of aviation disasters abroad concerning citizens of the United States directly affected by such a disaster, including timely written notice, notwithstanding notification by any other person." The Department will ensure that such notification occurs notwithstanding best efforts by the Airline to make prior notification.

7. General Provisions

A. Nothing in this Memorandum is intended to alter or supersede the provisions of any current or subsequent regulations implementing the provisions of the Aviation Security Improvement Act of 1990 (Public Law 101-604).

B. This Memorandum may be amended by agreement of the Parties. It shall remain in force until terminated by 30 days written notice.

7 FAM EXHIBIT 1830 D FEDERAL FAMILY ASSISTANCE PLAN FOR AVIATION DISASTERS – PAGES 16, 17 AND 27, ROLE OF THE DEPARTMENT OF STATE

(CT:CON-144; 09-13-2006)

Note: Federal Family Assistance Plan for Aviation Disasters issued 08/01/2000.

"f. DOS:VST (Victim Support Task) 5, "**Assisting Families of Foreign Victims**," if required:

- "(1) Provide a representative to the JFSOC (Joint Family Support Operations Center) to coordinate with other members of the operations center staff DOS related issues, such as obtaining dental records and dental x-rays from foreign families and responding to family requests for assistance. Additional personnel may be needed for crash scale scenarios involving international flights.
- "(2) Provide official notification to foreign governments that have citizens involved in the aviation incident after obtaining necessary information on foreign passengers from the airline.
- "(3) Assist the airline in notifying U.S. citizens who may reside or are traveling outside the United States that a member of their family has been involved in an aviation accident.
- "(4) Provide translation services to facilitate communications with the victim's family and all interested parties.
- "(5) Assist the airline, the Federal support staff, and others in maintaining daily contact with foreign families who do not travel to the United States.
- "(6) Assist foreign air carrier's employees and families of foreign victims with entry into the United States and extend or grant visas.
- "(7) Facilitate necessary consulate and customs services for the return of remains and personal effects into the country of destination.
- "(8) Assist in the effort to provide the medical examiner the necessary information on foreign victims to complete death certificates."

Page 27, Joint Family Support Operations Center, item 7, Role of the Department of State (DOS) Representative

"7. DOS representative: The DOS representative serves in a coordinating

role between the JFSOC and the DOS. The representative will coordinate issues involving foreign passengers and the support they will need from DSO, the victim's embassy/consulate, and other participants of the JFSOC. Other tasks include maintaining a daily log; monitoring status of foreign victims and their families; providing advice on cultural issues; answering or redirecting calls from foreign government officials; providing input for daily briefings to family members; updating other JFSOC participants on the organization's activities and developments; and general sharing of information. If foreign consulate officials participate in the activities of the JFSOC, the DOS representative will serve as their sponsor."

7 FAM EXHIBIT 1830 E FEDERAL PLAN FOR AVIATION ACCIDENTS INVOLVING AIRCRAFT OPERATED BY OR CHARTERED BY FEDERAL AGENCIES – PAGE 12, ITEM F, ROLE OF THE DEPARTMENT OF STATE

(CT:CON-144; 09-13-2006)

Note: Federal Plan for Aviation Accidents Involving Aircraft Operated by or Chartered by Federal Agencies issued 10/07/1999.

- “f. DOS:VST (Victim Support Task) 5, “**Assisting Families of Foreign Victims**”, if required:
- “(1) Provide official notification to foreign governments that have citizens involved in the aviation accident after obtaining necessary information on foreign passengers from the sponsoring agency;
 - “(2) Assist the sponsoring agency in notifying U.S. citizens who may reside or are traveling outside the United States that a member of their family has been involved in an aviation accident;
 - “(3) Provide translation services to facilitate communications with the victim’s family and all interested parties;
 - “(4) Assist the sponsoring agency, the Federal support staff, and others in maintaining daily contact with foreign families who do not travel to the United States.
 - “(5) Assist families of foreign victims with entry into the United States and extend or grant visas.
 - “(6) Facilitate necessary consulate and customs services for the return of remains and personal effects into the country of destination;
 - “(7) Assist in the effort to provide the medical examiner the necessary information on foreign victims to complete death certificates.”

7 FAM EXHIBIT 1830 F

REFERENCE AND RESOURCES ABOUT CRISIS MANAGEMENT AND AVIATION AND OTHER TRANSPORTATION DISASTERS

(CT:CON-144; 09-13-2006)

U.S. Government	
NTSB	NTSB Transportation Disaster Assistance
DOD	Pentagon Family Assistance Center – Appendix A
DOJ	U.S. Department of Justice, Office for Victims of Crime, Providing Relief to Families After a Mass Fatality – Aviation Disasters
Non-Government Resources	
Families of Victims	National Air Disaster Alliance/Foundation
Red Cross	The Internet Journal of Rescue and Disaster Medicine, The Role of the American Red Cross in Aviation Disasters American Red Cross, Aviation Disasters: Unique Disasters Demand Unique Responses American Red Cross, Guide for Families Affected by Transportation Disasters American Red Cross Guide for Families Affected by Transportation Disasters (GMCARC) (color)
Other	Aviation Accident Resource Center
Aviation Disaster Databases	
NTSB	NTSB Aviation Accident Database
CA/OCS	CA/OCS Aviation Disaster Database (Available in CA/OCS Intranet link to OCS Employees (share

	drive/ocsdocs/aviation/statistics)
Other	

7 FAM EXHIBIT 1830 G INTERNET RESOURCES

(CT:CON-144; 09-13-2006)

NTSB Note: Some Internet Resources

Identifying Victims Using DNA: A Guide for Families

A 13 page guide written for family members to answer questions concerning the DNA identification process, the collection of reference samples, and other issues surrounding DNA identification of human remains.

Providing Relief to Families After a Mass Fatality: Roles of the Medical Examiner's Office and the Family Assistance Center

Providing Relief to Families After a Mass Fatality: Roles of the Medical Examiner's Office and the Family Assistance Center (November 2002) is an excellent resource for a variety of mass fatality family assistance and victim identification concerns. Areas addressed include:

Primary issues and concerns of the victims' families

Examples of a State/Federal partnerships for victim assistance services in a Medical Examiner's office

Lessons learned about what is helpful when working with victims' families

Family Assistance Center operations and resources, including a summary of procedural considerations.

Formulating a Crisis Response Plan, including long-term crisis response plans Federal Family Assistance Plan For Aviation Disasters

Describes responsibilities for airlines and Federal agencies in response to aviation accidents involving a significant number of passenger fatalities and/or injuries. It is the basic document for organizations that have been given responsibilities under this plan (e.g. American Red Cross, DMORT, airlines) to develop supporting plans and establish procedures (August 1, 2000).

Guidance on Dealing with Fatalities in Emergencies

Well-researched and informative document on the broad issues of mass fatality management and family assistance.

Humanitarian Assistance in Emergencies: Guidance on Establishing Family Assistance Centres

Excellent overview of the establishment and operation of Family Assistance

Centers, with some lessons learned from the July 7 bombings.

Report of the 7 July Review Committee

Report on the July 7 London subway/bus bombings. There are some important lessons for fatality management and family assistance in the document (see sections 7 and 9)

Interpol Disaster Victim Identification Guide

A resource for general information on disaster victim identification primarily used in Europe and Middle East. Designed to encourage the compatibility of procedures across international boundaries, this guide gives practical advice on major issues of victim identification, underlining the importance of pre-planning and training (PDF and HTML)

Management of Dead Bodies in Disaster Situations

Comprehensive guide to a variety of mass fatality issues, including preparedness for mass death response, medicolegal work, health considerations in mass fatalities, sociocultural issues, psychological aspects, legal concepts, and several case studies from recent South and Central American disasters.

7 FAM EXHIBIT 1830 G INTER-AGENCY LIAISON AND AVIATION DISASTERS

(CT:CON-144; 09-13-2006)

- (1) **Memorandum of Understanding (MOU) with NTSB:** On June 2, 1997, the Secretary of State signed a MOU with the NTSB concerning assistance to families following transportation disasters. The Department of State responsibilities include certain liaison and translation duties regarding foreign passengers on domestic aviation disasters in the United States. (See 7 FAM Exhibit 1830 B).
- (2) **MOU with Air Carriers:** On November 18, 1996, the Assistant Secretary of State for Consular Affairs signed Memoranda of Understanding Reflecting Best Practices and Procedures between the Department and seven United States air carriers. Additional air carriers have since signed on to the MOU, which provides a basis for cooperation and mutual assistance in responding to aviation disasters occurring outside the U.S., and particularly to improve the treatment of victims' families. (See 7 FAM Exhibit 1830 C).
- (3) **Presidential Commissions and Inter-Agency Task Forces on Aviation Disasters:**
 - (a) President's Commission on Aviation Security and Terrorism; Executive Order 12686 of August 4, 1989. See Department of State Bulletin October 1989. The Commission issued its final report on May 15, 1990. A copy of the full report is available in CA/OCS/ACS. A copy of chapter 7, Treatment of Families of Victims of Terrorism, is available on the CA/OCS Intranet.
 - (b) White House Commission on Aviation Safety and Security – Charter filed August 21, 1996. The White House Commission Report on Aviation Safety and Security was issued February 12, 1997. One year later, the Department of Transportation (DOT) issued a DOT status report regarding the implementation of the recommendations of the White House Commission.
 - (c) Inter-Agency Task Force on Assistance to Families of Aviation Disasters, mandated by the Aviation Disaster Family Assistance Act of 1996. Federal Government representation included the Secretary of State or designee. The Final Report

of the Task Force was issued on October 29, 1997. An Anniversary Report was issued September 28, 1998 regarding implementation of the Task Force Recommendations. See Federal Family Assistance Plan for Aviation Disasters – August 1, 2000. The paragraph pertaining to the responsibilities of the Department of State is provided at 7 FAM Exhibit 1830 D.

- (d) **Government Owned or Operated Aircraft:** Inter-Agency Working Group to develop a Federal plan for aviation accidents involving aircraft operated by or chartered by Federal agencies. Recommendation 4.2 of the White House Commission's Report issued February 12, 1997 urged DOT to work with the NTSB, DOD and other agencies to develop a plan to meet the needs of families. The NTSB issued the Federal Plan for Aviation Accidents Involving Aircraft Operated or Chartered by Federal Agencies on October 7, 1999. The paragraph pertaining to the responsibilities of the Department of State is provided at 7 FAM Exhibit 1830 E.